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REFERENCE TITLE: **state employees; military differential pay**

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1356

Introduced by
Senators Bee, Harper, Jarrett, Waring: Tibshraeny, Verschoor

AN ACT

AMENDING TITLE 38, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-610.01; RELATING TO STATE OFFICERS AND EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-610.01, to read:

4 38-610.01. Leave of absence and compensation for officers and
5 employees during active military service

6 A. IF THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THIS STATE
7 DECLARES THAT A STATE OF EMERGENCY EXISTS, AN OFFICER OR EMPLOYEE OF THIS
8 STATE WHO IS ORDERED TO ACTIVE MILITARY SERVICE OF THE UNITED STATES OR THIS
9 STATE AS A MEMBER OF THE NATIONAL GUARD, AIR NATIONAL GUARD, ARMY RESERVE,
10 NAVAL RESERVE, MARINE CORPS RESERVE, AIR FORCE RESERVE OR COAST GUARD RESERVE
11 AND WHOSE STATE EMPLOYMENT IS COVERED BY TITLE 41, CHAPTER 4, ARTICLES 5 AND
12 6 OR WHO IS EXEMPT PURSUANT TO SECTION 41-771, SUBSECTION A, PARAGRAPH 1, 2,
13 3, 4, 5, 7, 8, 9, 10, 11, 12 OR 13 OR SUBSECTION B, PARAGRAPH 1, 2, 3, 4, 5,
14 7 OR 8 IS ELIGIBLE FOR AN ADDITIONAL LEAVE OF ABSENCE UNTIL RELEASED FROM
15 ACTIVE DUTY BY COMPETENT AUTHORITY. DURING THE ADDITIONAL LEAVE OF ABSENCE,
16 THE OFFICER OR EMPLOYEE SHALL CONTINUE TO RECEIVE THE OFFICER'S OR EMPLOYEE'S
17 SALARY OR COMPENSATION, LESS THE AMOUNT OF ALL PAY AND ALLOWANCES FOR
18 MILITARY ACTIVITIES WHILE ON ACTIVE DUTY.

19 B. AN OFFICER OR EMPLOYEE WHO RECEIVES SALARY OR COMPENSATION PURSUANT
20 TO SUBSECTION A OF THIS SECTION IS NOT ENTITLED TO ACCRUE ANNUAL LEAVE OR
21 SICK LEAVE DURING THE PERIOD OF ACTIVE DUTY. BEFORE QUALIFYING FOR THE
22 COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION, THE OFFICER OR
23 EMPLOYEE MUST EXHAUST ALL MILITARY LEAVE BALANCES BY THE TIME OF ACTIVATION
24 OR AT ANY TIME DURING THE ACTIVE DUTY PERIOD.

25 C. AN OFFICER OR EMPLOYEE MAY RECEIVE COMPENSATION PURSUANT TO
26 SUBSECTION A OF THIS SECTION FOR THE CONTINUOUS DURATION OF THE OFFICER'S OR
27 EMPLOYEE'S ORDER.

28 D. WITHIN SIXTY DAYS AFTER AN OFFICER OR EMPLOYEE WHO RECEIVES PAY
29 DIFFERENTIAL PURSUANT TO THIS SECTION COMPLETES THE PERIOD OF ACTIVE DUTY,
30 THE OFFICER OR EMPLOYEE SHALL PROVIDE PROOF THAT THE OFFICER OR EMPLOYEE
31 RENDERED HONORABLE SERVICE WHILE ON ACTIVE DUTY DURING ANY PERIOD FOR WHICH
32 THE OFFICER OR EMPLOYEE RECEIVED THE PAY DIFFERENTIAL PURSUANT TO THIS
33 SECTION. THE STATE MAY SEEK RECOVERY OF THE PAY DIFFERENTIAL FROM ANY PERSON
34 WHO FAILS TO PROVIDE PROOF OF HONORABLE SERVICE.

35 E. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH
36 PROCEDURES TO BE USED BY AN ELIGIBLE OFFICER OR EMPLOYEE TO RECEIVE
37 COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION.

38 Sec. 2. Retroactivity

39 This act is effective retroactively to from and after June 30, 2004.